

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:18 CV 349**

**WILLIE A. GREEN, SR.,**

**Plaintiff,**

**v.**

**CITY OF SHELBY, and  
RICK HOWELL (INDIVIDUALLY)**

**Defendants.**

**ORDER**

This matter is before the Court on Defendants’ Motion to Dismiss or Quash (Doc. 2), Defendant Rick Howell’s Motion for Extension of Time to Answer or Otherwise Respond to Plaintiff’s Complaint (Doc. 10), and the parties’ filings (Docs. 12, 13, 14) in response to this Court’s Order of January 16, 2019.

Plaintiff has now filed evidence of service on Defendants (Docs. 12, 13) and Defendants have advised the Court (Doc. 14) that their Motion to Dismiss or Quash has been rendered moot as a result of that service.

Further, Plaintiff has consented to the extension of Defendant Howell’s answer deadline. See Defendants’ Notice in Response to Order (Doc. 14).

Defendants’ Notice suggests that the motion for extension of time pertains to both Defendants. See Notice at 1 (“Defendants respectfully request the Court to grant their Motion for Extension [Doc #10]”)(emphasis added). That motion, however, sought only an extension for Defendant Howell. Should Defendant City of Shelby likewise seek an

extension of its answer deadline, such a request should be made by Motion pursuant to the Local Rules.

**IT IS THEREFORE ORDERED THAT:**

1. Defendants' Motion to Dismiss or Quash (Doc. 2) is hereby **DENIED AS MOOT**; and
2. Defendant Rick Howell's Motion for Extension of Time to Answer or Otherwise Respond to Plaintiff's Complaint (Doc. 10) is hereby **GRANTED** and Defendant Howell is allowed up to and including February 25, 2019 within which to answer or otherwise respond to Plaintiff's Complaint.

Signed: January 17, 2019

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

